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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NATIONAL STEEL CAR LIMITED,

Plaintiff,

v.

GREENBRIER-CONCARRIL LLC, and
GREENBRIER LEASING COMPANY,
LLC,

Defendants.

Case No.: 3:20-cv-01275-YY

UNOPPOSED MOTION TO UNSEAL
DEFENDANTS' ANSWER,
AFFIRMATIVE DEFENSES, AND
DECLARATORY JUDGMENT
COUNTERCLAIMS

I. LOCAL RULE 7-1(A) CERTIFICATION

Pursuant to Local Rule 7-1(a), counsel for Defendants Greenbrier-Concarril LLC and Greenbrier Leasing Company, LLC (collectively “Greenbrier”) certifies that it has conferred with counsel for Plaintiff National Steel Car, Ltd. (“NSC”) regarding the substance of this motion, and NSC does not oppose this motion.

II. MOTION

Defendant Greenbrier hereby moves to unseal its Answer, Affirmative Defenses, and Declaratory Judgment Counterclaims to NSC’s First Amended Complaint (ECF No. 129) (“Answer and Counterclaims”). Greenbrier filed its Answer and Counterclaims under seal because it contains information from documents that NSC designated as “CONFIDENTIAL” under the protective order—specifically, information about and from a July 2005 trip report. (See ECF. No. 129 at pp. 13–15, Countercl. ¶¶ 20–27.) NSC’s Answer to Greenbrier’s Counterclaims was publicly filed and contains several excerpts of the July 2005 trip report. (See ECF No. 135, ¶¶ 20, 22, 23, 26, 27.) In light of the public’s common-law right to access judicial records, *see DePuy Synthes Prods., Inc. v. Veterinary Orthopedic Implants, Inc.*, 990 F.3d 1364 (Fed. Cir. 2021) (affirming order unsealing amended pleading over objections that pleading contained party’s confidential business information), and for completeness, the Court should unseal Greenbrier’s Answer and Counterclaims.

DATED: August 24, 2021.

/s/ Steven T. Lovett

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